APPENDIX A TO SUBPART F OF PART 53—REFERENCES

(1) Marple, V.A., K.L. Rubow, W. Turner, and J.D. Spangler, Low Flow Rate Sharp Cut Impactors for Indoor Air Sampling: Design and Calibration., JAPCA, 37: 1303-1307 (1987).

(2) Vanderpool, R.W. and K.L. Rubow, Generation of Large, Solid Calibration Aerosols, J. of Aer. Sci. and Tech., 9:65-69 (1988).

(3) Society of Automotive Engineers Aerospace Material Specification (SAE AMS) 2404C, Electroless Nickel Planting, SAE, 400 Commonwealth Drive, Warrendale PA-15096, Revised 7-1-84, pp. 1-6.

PART 54—PRIOR NOTICE OF CITIZEN SUITS

Sec.
54.1 Purpose.
54.2 Service of notice.
54.3 Contents of notice.

AUTHORITY: Sec. 304 of the Clean Air Act, as amended (sec. 12, Pub. L. 91–604, 84 Stat. 1706).

SOURCE: 36 FR 23386, Dec. 9, 1971, unless otherwise noted.

§ 54.1 Purpose.

Section 304 of the Clean Air Act, as amended, authorizes the commencement of civil actions to enforce the Act or to enforce certain requirements promulgated pursuant to the Act. The purpose of this part is to prescribe procedures governing the giving of notices required by subsection 304(b) of the Act (sec. 12, Pub. L. 91–604; 84 Stat. 1706) as a prerequisite to the commencement of such actions.

§ 54.2 Service of notice.

(a) Notice to Administrator: Service of notice given to the Administrator under this part shall be accomplished by certified mail addressed to the Administrator, Environmental Protection Agency, Washington, DC 20460. Where notice relates to violation of an emission standard or limitation or to violation of an order issued with respect to an emission standard or limitation, a copy of such notice shall be mailed to the Regional Administrator of the Environmental Protection Agency for the Region in which such violation is alleged to have occurred.

(b) Notice to State: Service of notice given to a State under this part regarding violation of an emission standard or limitation, or an order issued with respect to an emission standard or limitation shall be accomplished by certified mail addressed to an authorized representative of the State agency charged with responsibility for air pollution control in the State. A copy of such notice shall be mailed to the Governor of the State.

(c) Notice to alleged violator: Service of notice given to an alleged violator under this part shall be accomplished by certified mail addressed to, or by personal service upon, the owner or managing agent of the building, plant, installation, or facility alleged to be in violation of an emission standard or limitation, or an order issued with respect to an emission standard or limitation. Where the alleged violator is a corporation, a copy of such notice shall be sent by certified mail to the registered agent, if any, of such corporation in the State in which such violation is alleged to have occurred.

(d) Notice served in accordance with the provisions of this part shall be deemed given on the postmark date, if served by mail, or on the date of receipt, if personally served.

§ 54.3 Contents of notice.

(a) *Failure to act.* Notice regarding a failure of the Administrator to perform an act or duty which is not discretionary shall identify the provisions of the Act which requires such act or creates such duty, shall describe with reasonable specificity the action taken or not taken by the Administrator which is claimed to constitute a failure to perform such act or duty, and shall state the full name and address of the person giving the notice.

(b) *Violation of standard, limitation or order.* Notices to the Administrator, States, and alleged violators regarding violation of an emission standard or limitation or an order issued with respect to an emission standard or limitation, shall include sufficient information to permit the recipient to identify the specific standard, limitation, or order which has allegedly been violated, the activity alleged to be in violation, the person or persons responsible for the alleged violation, the location of the alleged violation, the date